



AGENDA  
CITY OF WINDCREST, TEXAS

**SPECIAL MEETING**

January 16, 2014

Special Joint City Council Meeting /  
Windcrest Economic Development Corporation  
6:00 P.M.

**NOTICE IS HEREBY GIVEN THAT A JOINT WINDCREST CITY COUNCIL / WINDCREST ECONOMIC DEVELOPMENT CORPORATION MEETING WILL BE HELD AT 6:00 P.M. AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 16TH DAY OF JANUARY 2014 AND THEN DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COUNCIL MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.**

**THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF JANUARY 16, 2014 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, JANUARY 17, 2014 AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.**

**IT IS ANTICIPATED THAT MEMBERS OF OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY ATTEND THE MEETING IN NUMBERS THAT MAY CONSTITUTE A QUORUM OF SUCH OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES, SO THAT NOTICE IS HEREBY GIVEN THAT THE MEETING IS ALSO A MEETING OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE. THE MEMBERS OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY PARTICIPATE IN DISCUSSIONS WHICH OCCUR AT THE MEETING, BUT NO ACTION WILL BE TAKEN BY THE OTHER BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE.**

*Ordinance No. 618 (09/20/10), Repealing Ordinance No. 593*

At all City Council, City Commission or City Board meetings, the agenda shall include a "citizens to be heard" item. It is suggested that Citizens wishing to speak during this item sign in on the sign up roster prior to the meeting. During "citizens to be heard" comments, each individual may speak on an agenda item or any other matter affecting the city. In addition to the "citizens to be heard" portion of meetings, a person may make comments on agenda items prior to the vote on the agenda item. A member of the public will have a total of six (6) minutes to be heard during a City Council, City Commission or City Board Meeting. This

does not include any responses from the body. The six (6) minutes time limit authorized herein may not be transferred to another speaker in whole or in part. The presiding Officer or his/her designee will assign a Time Keeper to each meeting. The Time Keeper will maintain strict compliance of the six (6) minute rule, stopping speakers who exceed the allotted time. As authorized by Section 551.042 of the Texas Government Code, the Presiding Officer may direct a City Official to make: a statement of specific factual information in response to an inquiry made by a member of the public or of the City Council, or; a recitation of existing policy in response to an inquiry made by a member of the public or the City Council. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

**REQUEST ALL PAGERS AND CELL PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL. CITIZENS ARE ASKED TO REFRAIN FROM TALKING DURING COUNCIL PROCEEDINGS.**

Meeting Chair: please remind each participant in your meeting that they must speak into a microphone; the recording is the Official Minutes of your meeting and all who speak must be recorded. All guest speakers and citizens to be heard must speak from podium. Please interrupt speakers during meeting if you recognize that they are not speaking into microphone and have them do so.

**I. Call to Order, Pledge of Allegiance, Invocation and Announcement**

**II. Citizens to be Heard on Subsequent and Non-Subsequent Agenda Items**

1. A member of the public will have three (3) minutes to discuss non-subsequent agenda items.
2. A member of the public will have six (6) minutes to discuss subsequent agenda items.
3. City Council may discuss and respond to current and past agendas on subsequent and non-subsequent agenda items by citizens to be heard.

**III. Presentation**

1. City Council and Windcrest Economic Development Corporation will receive a presentation from Weitzman Group concerning the Frost building and subdivision.

**IV. Resolutions**

1. City Council will review, discuss and may take action on Resolution No. 2014-478(R), a resolution granting a waiver of the requirement in section 4.101 of the Code of Ordinances to locate commercial signs only on the premises of the business advertised. (Att. 1)


**V. General Announcements & Future Agenda Items Requested**

*Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.*

**VI. Adjournment**

**The City Council reserves the right to retire into executive session whenever it is considered necessary and legally justified under the Texas Government Code, Subchapter D, Sections 551.071 et. seq. including, but not limited to, consultation with attorney, real property, prospective gifts, personnel matters, exclusion of witness, security devices, and economic development matters.**

**I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to the meeting on January 16, 2014.**

By:  , City Secretary

**In compliance with the Americans With Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Kelly Rodriguez, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.**

**I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_ January, 2014.**

\_\_\_\_ Title: \_\_\_\_\_

November 11, 2013

**Charles Schaefer**  
Associate

[cschaefer@cencorrealty.com](mailto:cschaefer@cencorrealty.com)

Robert F. Colunga  
Economic Development Director  
City of Windcrest  
8601 Midcrown  
Windcrest, TX 78239

**RE: Variance Request  
8202 North IH-35  
San Antonio, TX 78239**

Dear Robert,

On behalf of NEQ 35/Walzem, Ltd. and Cencor Realty Services, Inc., I would like to submit a formal request for variance from Ordinance No. 332, 11/16/98, found in Section 4.101, Subchapter 4.100 of The City of Windcrest Code of Ordinances.

Ordinance No. 332 states, "Signs, other than political signs, must be located on the premises of the business advertised." If you reference Exhibit "A" (see attached), you will find a draft of a proposed subdivision replat that we have created.


We plan on dividing Lot 1, Block 114, Windcrest Unit 28 into three separate lots to accommodate three different pad users. But prior to applying for a replat, we would like to request permission to allow off premises signage for the future individual businesses on the lots referred to as Lots 10A, 10B, and 10C of Block 114 in the attached Exhibit B.

In Exhibit "B", you will also see the proposed placement of the signs clouded in red. While these placements are only preliminary, Exhibit "B" shows three pylon signs (one for each of our three future pad user) along the IH-35 frontage of our property and a fourth sign that may be installed along Fourwinds Drive. The reason for this variance request is to allow the future user or users of Lot 10A the ability to market their business along the IH-35 corridor and to allow the users of Lots 10C and 10B to promote their businesses to traffic along Fourwinds Drive.

If there are any questions, please feel free to contact me at 210-366-3500.

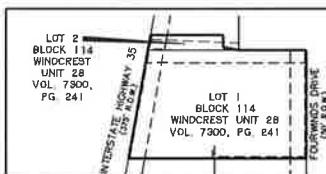
Sincerely,

NEQ 35/Walzem, Ltd.  
By Cencor Realty Services, Inc., its Agent

  
Charles Schaefer  
Associate

Attachments

c: Michael Schoenbrun  
John Roy

VICINITY MAP  
WINDCREST, TEXAS  
NOT TO SCALE

## AREA BEING REPLATTED

A 4.289 ACRE TRACT SITUATED IN THE CITY OF WINDCREST, BEAR COUNTY, TEXAS, BEING A PORTION OF LOT 1 AND LOT 2, BLOCK 114, WINDCREST UNIT 28, A SUBDIVISION OF RECORD IN VOLUME 7300, PAGE 241 OF THE DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS.

## LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD SET WITH YELLOW CAP  
MARKED "BPI" (UNLESS NOTED)
- MONUMENT FOUND
- MONUMENT SET
- BENCHMARK
- EXISTING CONTOURS
- PROPOSED CONTOURS

## SURVEYOR'S NOTES:

- PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED "BURY" UNLESS NOTED OTHERWISE.
- COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD 83) FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK.
- DIMENSIONS SHOWN ARE SURFACE, AND:
- BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD 83) FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

THE AREA BEING REPLATTED WAS PREVIOUSLY PLATTED AS WINDCREST UNIT 28 WHICH IS RECORDED IN VOLUME 7300, PAGE 241, BEAR COUNTY PLAT AND DEED RECORDS.

I (WE), THE OWNER(S) OF THE PROPERTY SHOWN ON THIS REPLAT HEREBY CERTIFY THAT THIS REPLAT DOES NOT AMEND OR REMOVE ANY COVENANTS OR RESTRICTIONS. I (WE) FURTHER CERTIFY THAT NO PORTION OF THIS REPLAT WAS LIMITED DURING THE PRECEDING FIVE YEARS BY AN INTERIM OR PERMANENT ZONING CLASSIFICATION TO RESIDENTIAL USE FOR NOT MORE THAN TWO RESIDENTIAL UNITS PER LOT, OR THAT ANY LOT IN THE PRECEDING PLAT WAS LIMITED BY DEED RESTRICTIONS TO RESIDENTIAL USE FOR NOT MORE THAN TWO RESIDENTIAL UNITS PER LOT.

MICHAEL SCHOENBRUN, VICE PRESIDENT  
NEO 35/WALZEM, LTD.  
BY NEO 35/WALZEM ONE, LLC, ITS GENERAL PARTNER  
70 NE LOOP 410, SUITE 450  
SAN ANTONIO, TEXAS 78216

STATE OF TEXAS  
COUNTY OF BEAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT, TO THE BEST OF MY KNOWLEDGE, THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE WINDCREST PLANNING COMMISSION.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE, "FOR REVIEW PURPOSES ONLY."  
DATE  
AARON K. PARENICA, P.E.  
LICENSED PROFESSIONAL ENGINEER  
TEXAS REGISTRATION NO. 99323

STATE OF TEXAS  
COUNTY OF BEAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE GROUND.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE, "FOR REVIEW PURPOSES ONLY."  
DATE  
HAL B. LANE, III, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 4690

## GENERAL NOTES:

- THE BEARINGS SHOWN HEREON ARE BASED ON SOUTH CENTRAL TEXAS GRID COORDINATE SYSTEM.
- COORDINATES SHOWN ON THIS PLAT WERE PROVIDED BY BURY, INC.
- NO STRUCTURES, FENCES, WALLS, OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS OR RIGHT-OF-WAY SHOWN ON THIS PLAT. NO LANDSCAPING OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENT AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS. THE CITY OF WINDCREST AND BEAR COUNTY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE AND MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
- MINIMUM FINISHED FLOOR ELEVATIONS FOR RESIDENTIAL OR COMMERCIAL LOTS SHALL BE ELEVATED AT LEAST 1 FOOT HIGHER THAN THE COMPUTED WATER SURFACE ELEVATION FOR THE 100 YEAR ULTIMATE DEVELOPMENT FLOOD.

## DRAINAGE NOTE:

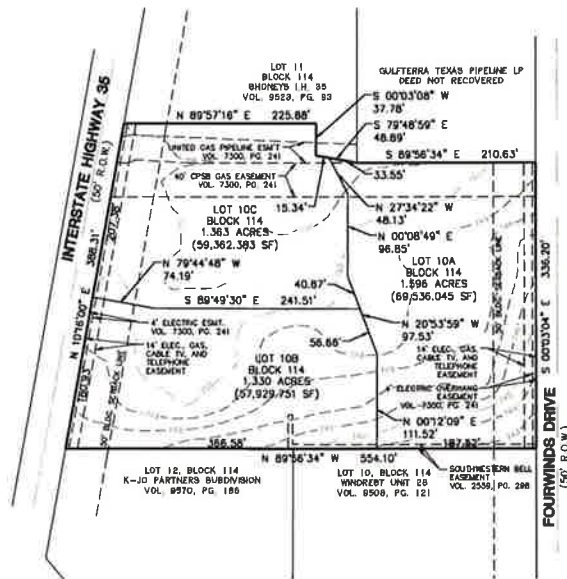
NO STRUCTURES, FENCES, WALLS OR OTHER OBSTRUCTIONS THAT WOULD DRAINAGE SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS OR RIGHT-OF-WAY SHOWN ON THIS PLAT. NO LANDSCAPING OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENT AS APPROVED SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS. THE CITY OF WINDCREST AND BEAR COUNTY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY IMPEDING OBSTRUCTIONS OR IMPROVEMENTS PLACED WITHIN SAID DRAINAGE EASEMENTS.

## TADOT NOTES:

- FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.
- MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY "REGULATIONS FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS." THIS PROPERTY IS ELIGIBLE FOR A MAXIMUM COMBINED TOTAL OF 2 (TWO) ACCESS POINTS, BASED ON THE OVERALL PLATTED HIGHWAY FRONTAGE OF 308'.

## CPS NOTES:

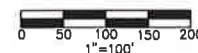
- THE CITY OF WINDCREST AS PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DEDICATED THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "GAS EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," AND "TRANSFORMER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING POLES, HANGING OR BURYING WIRES, CABLES, CONDUITS, PIPELINES OR TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LAND, THE RIGHT TO RELOCATE SAID FACILITIES WITHIN SAID EASEMENT AND RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF SAID LINES OR APPURTENANCES THEREON. IT IS AGREED AND UNDERSTOOD THAT NO BUILDINGS, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREA.
- ANY CPS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS EQUIPMENT, LOCATED WITHIN SAID EASEMENT, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION.
- THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED BELOW:
- CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY REAR LOT UNDERGROUND ELECTRIC AND GAS FACILITIES.
- ROOF OVERHANGS ARE ALLOWED WITHIN FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) FOOT WIDE EASEMENTS.

SUBDIVISION REPLAT OF  
WINDCREST UNIT 28

A 4.289 ACRE TRACT SITUATED IN THE CITY OF WINDCREST, BEAR COUNTY, TEXAS, BEING A PORTION OF LOT 1 AND LOT 2, BLOCK 114, WINDCREST UNIT 28, A SUBDIVISION OF RECORD IN VOLUME 7300, PAGE 241 OF THE DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS.

# BURY

922 Isom Road, Suite 100  
San Antonio, TX 78216  
Tel. (210) 525-9090 Fax (210) 525-0529  
TBPE Registration Number F-1048  
Copyright © 2013



STATE OF TEXAS  
COUNTY OF BEAR

THE OWNER OF THE LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEMONSTRATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/AGENT: MICHAEL SCHOENBRUN, VICE PRESIDENT  
OWNER/DEVELOPER: NEO 35/WALZEM, LTD.  
BY NEO 35/WALZEM ONE, LLC, ITS GENERAL PARTNER  
70 NE LOOP 410, SUITE 450  
SAN ANTONIO, TEXAS 78216

STATE OF TEXAS  
COUNTY OF BEAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY, PERSONALLY APPEARED MICHAEL SCHOENBRUN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_ DAY OF A.D. 20\_\_

NOTARY PUBLIC, BEAR COUNTY, TEXAS  
MY COMMISSION EXPIRES

THIS REPLAT OF WINDCREST UNIT 28 HAS BEEN SUBMITTED TO AND APPROVED BY THE CITY OF WINDCREST AND IS HEREBY APPROVED IN ACCORDANCE WITH STATE AND LOCAL LAWS AND REGULATION AS INDICATED BELOW.

ON THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_

BY: \_\_\_\_\_  
CITY OF WINDCREST, BEAR COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BEAR

I, \_\_\_\_\_, COUNTY CLERK OF BEAR COUNTY, DO HEREBY CERTIFY:

THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE \_\_\_\_ DAY OF \_\_\_\_

A.D. \_\_\_\_ AT \_\_\_\_ M. AND DULY RECORDED THE \_\_\_\_ DAY OF \_\_\_\_

A.D. \_\_\_\_ AT \_\_\_\_ M. IN THE DEED AND PLAT RECORDS OF BEAR COUNTY, IN

BOOK/VOLUME \_\_\_\_ ON PAGE \_\_\_\_

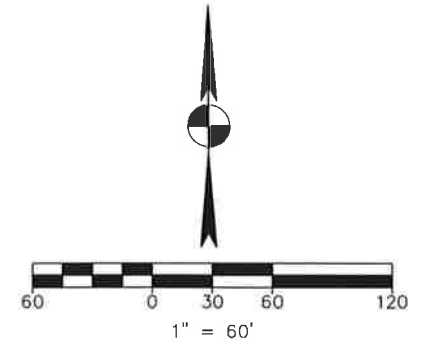
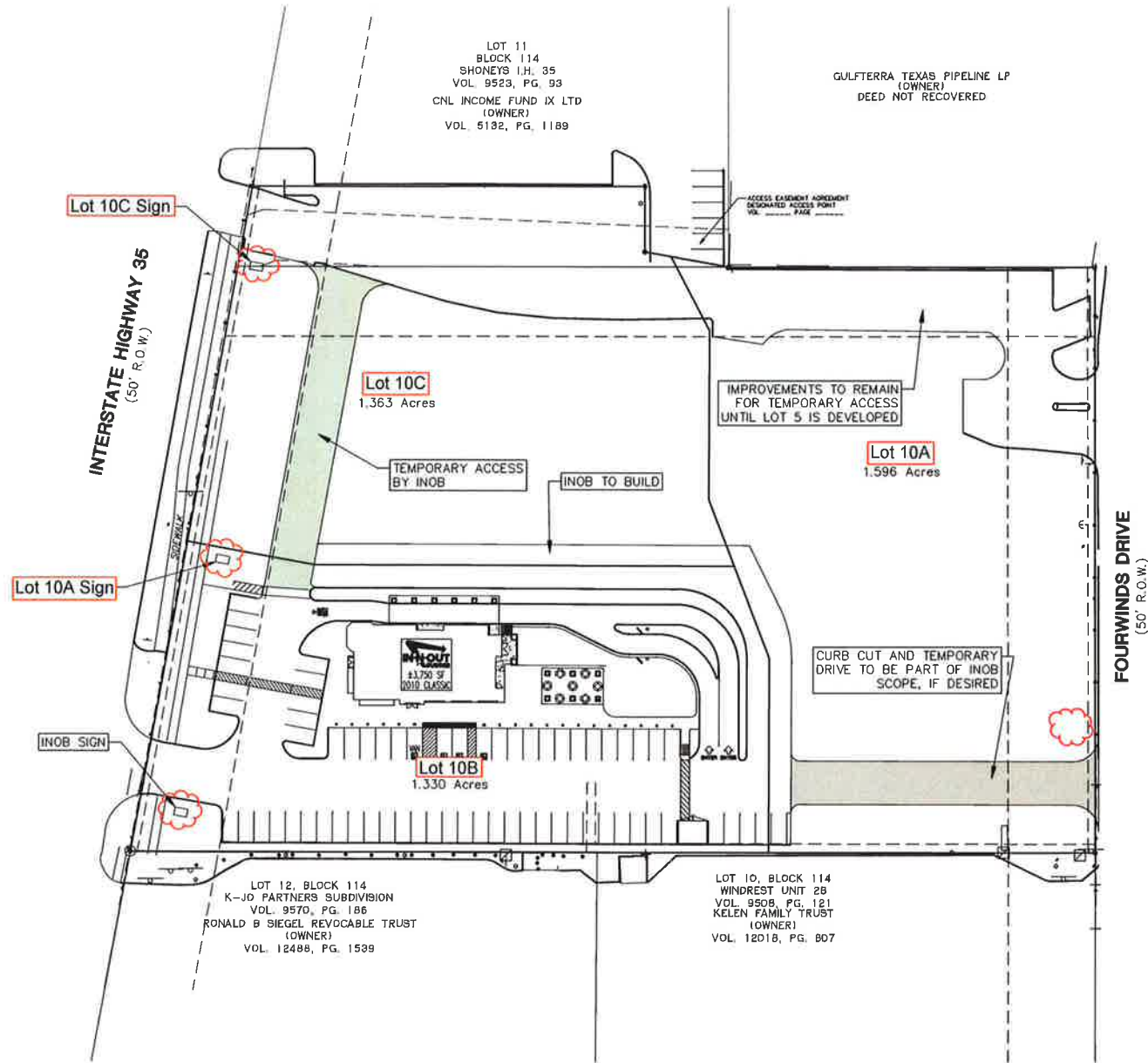
IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS THE \_\_\_\_ DAY

OF \_\_\_\_ A.D. \_\_\_\_

COUNTY CLERK, BEAR COUNTY, TEXAS

BY: \_\_\_\_\_, DEPUTY

## Exhibit B



### WATER:

IN-N-OUT TO CONNECT TO EXISTING WATER MAIN WITHIN CONSTRUCTION AREA TO THE SOUTH OF THE PROPOSED BUILDING

### WASTEWATER:

IN-N-OUT TO CONNECT TO STUB-OUT TO BE PROVIDED BY LANDLOAD THAT WILL CONNECT TO THE 12-INCH MAIN ALONG FOURWINDS

### GAS:

IN-N-OUT TO CONNECT TO THE 4-INCH LINE THAT EXISTS ALONG THE IH-35 FRONTAGE ROAD

### ELEC/COMM:

IN-N-OUT TO GAIN SERVICE FROM THE THREE-PHASE OVERHEAD ELECTRIC LINE THAT EXISTS ALONG THE IH-35 FRONTAGE ROAD

### DRAINAGE:

IN-N-OUT SITE TO BE GRADED TO DRAIN RUNOFF TO EITHER THE SOUTHWEST OR SOUTHEAST CORNER OF THE SITE. NO UNDERGROUND STORM DRAIN SYSTEM EXISTS TO CONNECT TO.

# BURY

922 Isom Road, Suite 100  
San Antonio, Texas 78216  
Tel. (210) 525-9090 Fax (210) 525-0529  
TBPE Registration Number F-1048  
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Date: Sep 24, 2013, 3:03pm User ID: aporenica  
File: G:\100667\50002\EXHIBIT\100667220EXH08.dwg

## ORDINANCE 331


### AN ORDINANCE UPDATING CHAPTER 4, BILLBOARDS AND SIGN CODE, OF THE CODE OF ORDINANCES OF THE CITY OF WINDCREST

WHEREAS, the City Council of the City of Windcrest has determined that it would be in the public interest to update the Billboards and Sign Code of Ordinances.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS, that:


Chapter 4 of the Code of Ordinances is amended to read as provided in the attached Exhibit "A", and all conflicting provisions are hereby repealed.

PASSED AND APPROVED this 16th day of November, 1998.



JOE D. COCHRAN,  
MAYOR

ATTEST:



NANCY CAIN,  
CITY SECRETARY

## CHAPTER 4

### BILLBOARDS AND SIGNS

#### SYNOPSIS

4.100	General Provisions
4.200	Definitions
4.300	General Requirements Pertaining to All Zoning Districts
4.400	Signs Authorized in the "B-1" and "B-2" Zoning Districts
4.500	Signs Authorized in the "O-1" Zoning District
4.600	Signs Authorized in the "R-2" Zoning District
4.700	Signs Authorized in the "R-1" Zoning District

Subchapter.	4.100	<u>GENERAL PROVISIONS</u>
Sec.	4.101	PURPOSE

The City recognizes that signs are necessary for visual communication for public convenience, and that businesses and other activities have the right to identify themselves by using signs which are incidental to the use on the premises where the signs are located. The City herein seeks to provide a reasonable balance between the right of a person to identify his or her business or activity, and the right of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location and construction of signs. ***Signs, other than political signs, must be located on the premises of the business advertised.*** This section will insure that signs are compatible with adjacent land uses and with the total visual environment of the community, in accordance with the City's comprehensive plan for zoning and land use.

#### Sec. 4.102 PROCEDURES OUTLINE

The procedures outlined herein provide basic guidance for the orderly and effective regulation of signs within the corporate limits of the City of Windcrest, the requirements that must be satisfied before a building permit may be issued for the site, erection, construction, alteration, reconstruction, or enlargement of a sign, the minimum construction specifications for signs, and requirements for maintenance of signs.

#### Sec. 4.103 TEXAS HIGHWAY BEAUTIFICATION ADOPTED

The provisions of ***Chapter 391 of the Texas Transportation Code (Delete reference to Article 4477-9a section 4.01...Texas Civil Statutes)*** and the rules promulgated by the Highway Beautification Act thereunder in regard to the display of outdoor advertising are hereby adopted. ( Ord. No. 101, 7/10/72)

#### Sec. 4.104 UNIFORM SIGN CODE ADOPTED

The Uniform Sign Code of the International Conference of Building Officials, (***ICBO***) as it presently exists and is hereafter amended, save and except Section 103(c), (Board of Appeals), is adopted as the Sign Code for the City of Windcrest, Texas. This Uniform Sign Code

## BILLBOARDS AND SIGNS

is incorporated herein by reference, and has been filed in the office of the City Secretary of the City of Windcrest for permanent record and inspection. If any provision(s) of the Uniform **Sign** Code adopted in this Subchapter conflicts with or contravenes any provision(s) of any Chapter of **the City Code of Windcrest, Texas** or any other City Ordinance, the provision(s) of this Code or City Ordinance shall prevail.

### Sec. 4.105 REGULATIONS

The City Council of the City of Windcrest hereby agrees to take such action as may be necessary to regulate the orderly and effective display of outdoor advertising within the corporate limits of the City of Windcrest in accordance with the applicable laws of the State of Texas and the United States of America. (Ord. No. 101, 7/10/72)

### Sec. 4.106 PENALTY

Any person who willfully violates any provision of this Chapter or **Chapter 391 of the Texas Transportation Code (Delete reference to Article 4477-9a section 4.01...Texas Civil Statutes)** is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00). Each day of such willful violation shall constitute a separate offense. (Ord. No. 101, 7/10/72)

### Subchapt. 4.200 DEFINITIONS

1. **ALTERATION:** *Any change, addition or modification in construction or occupancy.*

2. **CONSTRUCTION:** *The building of a structure.*

3. **ERECTION:** *The raising and setting of a sign in an upright position.*

4. **FIN SIGN:** *A sign that is supported by a one story building of an open air business or by poles placed in the ground or partly by such pole or poles and partly by a building or structure.*

5. **FREE STANDING SIGN:** *A sign supported by one or more columns, poles or bars extended from the ground and which is not significantly supported by a building. The following types of free standing signs are permitted.*

A. **MONUMENT OR LOW PROFILE SIGNS:** *A sign attached to the ground by a permanent structure usually of masonry construction.*

## **BILLBOARDS AND SIGNS**

**B. MULTI-TENANT SIGNS:** *A group of four or more business/professional establishments advertising on a single sign structure. Establishments must be under a common roof and/or could be identified as a shopping center, or shopping mall, multi-tenant or multi-story professional building.*

**C. POLE SIGNS:** *A sign wholly supported by a sign structure in the ground.*

**6. I-35 CORRIDOR:** *Business property adjacent to Fourwinds Drive and having no Walzem Road frontage.*

**7. RECONSTRUCTION:** *The rebuilding of a previously existing structure.*

**8. SIGN:** *Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes including paint on the surface of a building.*

**9. SIGN STRUCTURE:** *Any structure that supports or is capable of supporting a sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.*

**10. SITING:** *The location or position of a sign on a structure or plat.*

**11. PROJECTING SIGN:** *Any sign other than a wall sign which projects from and is supported by a wall of a building or structure.*

**12. TEMPORARY SIGN:** *Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames intended to be displayed for a limited period of time.*

**13. WALL SIGN:** *Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.*

Subchapt. 4.300

### **GENERAL REQUIREMENTS PERTAINING TO ALL ZONING DISTRICTS**

Sec. 4.301

### **BUILDING PERMITS FOR SIGNS**

All business or church signs, whether permanent or temporary in nature, require a permit. Generally, homeowner signs or political signs do not require a permit.

## BILLBOARDS AND SIGNS

Sec. 4.302

### APPLICATION AND APPROVAL OF BUILDING PERMITS FOR SIGNS

A. An application for a sign building permit will be completed by the applicant on a form provided by the Building Permits Officer. With this application the following will be attached:

(1) Two (2) copies of the plans and specifications. Specification data will be certified by a registered Texas Engineer for all new Pole, Multi-Tenant or signs which protrude significantly from buildings. Landscaping and irrigation shall be included in all Free Standing sign plans.

(2) A drawing to scale, showing all setbacks, easements and structures for siting of all ground mounted signs.

(3) A drawing or photograph showing the siting of the sign on a building.

(4) Evidence of property owner approval of the proposed sign.

(5) A final inspection is required within 10 days after the sign becomes operational. The permit holder will schedule this inspection with the City Permits and Inspection Office.

B. The City Inspector will review all sign applications for compliance with applicable codes:

(1) Routine replacement of *wall* signs or change of individual business signs within a directory sign will be forwarded to the Building Permits Officer for approval.

(2) Other applications will be forwarded, with recommendations, to the Planning and Zoning Commission for action. After review, the Commission will submit its recommendation on the sign application to the City Council for final action.

Sec. 4.303

### EASEMENTS OR PUBLIC PROPERTY

No sign of any type which is considered to be permanent shall be built over easements or on public property without proper written approval of the easement and/or property owner. (Ord. No. 58V, 3/8/76)

## BILLBOARDS AND SIGNS

### Sec. 4.304 DEED RESTRICTIONS

It is not intended that the provisions for signs, contained herein, supersede existing deed restrictions which may prohibit the erection of signs. (Ord. No. 58V, 3/8/76)

### Sec. 4.305 UTILITIES

Utilities (water and electricity) will be installed in areas as required for proper maintenance *of* landscaping. (Ord. 58V, 3/8/76)

### Sec. 4.306 MAINTENANCE

Signs will be maintained in presentable (like new) condition. Responsibility for maintenance of signs and associated landscaping will be vested in the entity having jurisdiction of the premises on which the sign is located. Signs not maintained will be subject to the applicable provisions of Chapter 5, Section 5.1600. (Ord. No. 58V 3/8/76)

### Sec. 4.307 FLASHING OR REVOLVING LIGHTS

The use of illuminated signs or banners on which the artificial light is not maintained stationary and/or constant in intensity is prohibited.

### Sec. 4.308 TEMPORARY SIGNS

A. LEASE OR SALE OF PROPERTY: Permits may be issued, upon application, by the Building Permit Officer, for one sign not exceeding thirty-two (32) square feet in area and pertaining to the lease or sale of a building, premises or lot, and not to exceed nine months *after the* date of approval of the permit or a specific percentage of occupancy is reached in the case of multi-story office buildings for temporary use in any Zoning District of the City of Windcrest, provided the sign is immediately removed upon the lease or sale of such building, premises or lot. (Ord. No. 218, 4/18/89) Permits are not required for signs of four (4) square feet or less pertaining to residential property.

B. CONSTRUCTION: Permits may be issued upon application, by the Building Permit Officer, for signs relating to significant business construction activities. Such signs shall be limited to thirty-two (32) square feet each in area and limited in subject to (1) the principal contractor for the construction, (2) the architect for the construction, and (3), the future business to be located on the construction site. The number of signs at each construction site shall be limited to one contractor sign, one architect sign and one identification sign for each business to be located *on* the site. Contractor and Architect signs shall be removed within one (1) week following final inspection approval. Business signs shall be removed upon installation of permanent signs.

## BILLBOARDS AND SIGNS

C. NEW BUSINESS: A Temporary Sign Permit may be issued for a temporary sign announcing the opening of a newly established commercial activity. This permit is limited to one (1) per newly established commercial activity, and the sign shall be removed on or before the expiration of thirty (30) days after the issuance of the permit. This sign may not exceed thirty-two (32) square feet or a mobile sign of similar size as approved by the Building Permit Officer. Signs mounted on or attached to a motor vehicle and advertising a business located nearby are specifically prohibited unless subject vehicle is operational, properly registered, inspected and relocated at least every 24 hours. Should any of the provisions pertaining to temporary signs be violated, in addition to the penalties set out in Subchapter 23.600 of this Code, the City may remove and impound such sign upon three (3) days notice to the violator (and to the owner of the sign if they are different) and hold it for the reasonable storage and removal costs, to be levied against the violator. (Ord. No. 58AA, 10/11/77)

***D. SEASONAL AND PERIODIC SIGNS. The City Council, after recommendation from the Planning and Zoning Commission may approve seasonal and periodic temporary signs for multi-year use for businesses that use such signs. Examples of such signs are temporary signs promoting holiday or franchise activities. Permits for such temporary signs shall not be granted for more than four years in succession and generally shall be limited to thirty (30) days per calendar year.***

E. RESTRICTIONS: The height of temporary signs from the ground to the top of sign shall not exceed eight feet (8'). Signs shall not be placed on right-of-ways or in areas that obstruct the view of motorists. Signs placed on corner lots shall not be placed in the triangular area formed by the street curb lines and a line connecting them at points twenty-five feet (25') from the intersection of the curb lines.

Subchapt. 4.400

### SIGNS AUTHORIZED IN THE "B-1" AND "B-2" ZONING DISTRICTS GENERAL PROVISIONS

Sec. 4.401

The provisions outlined herein detail the advertising signs which are authorized for use in the "B-1" and "B-2" Zoning Districts, the limitations upon the size, location, height, lighting, and appearance of authorized signs, and the construction specifications required for such signs.

Sec. 4.402

### INDIVIDUAL BUSINESS SIGNS

Individual business establishments may submit Building Permit Applications in accordance with the provisions of this Chapter, Subchapter 4.300, Sec. 4.302; provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant. (Ord. No. 58V. 3/8/76)

## BILLBOARDS AND SIGNS

### Sec. 4.403

### SIGNS ATTACHED TO BUILDINGS

One or more signs, when the same are permanently attached to a building and advertise only identity, services, articles, or products which are offered within the building to which such sign is attached, shall be permitted. (Illustrations of all proposed external advertising signs, drawn to scale as to size and placement, and with reasonable accurate detail, shall be submitted in duplicate with a request for a building permit.) (Ord. No. 58GG, 4/13/98)

### Sec. 4.404

### FREE STANDING SIGNS

A. SPECIFICATIONS: Pursuant to this Chapter, Subchapter 4.300, Sec. 4.302, applications for building permits for free standing signs shall be prepared by the applicant with two (2) copies of applicable plans and specifications. Upon the request of the City Inspector, plans and specifications shall be submitted to the Building Permit Officer, prepared by a Texas Registered Engineer, bearing his seal and a signature, prepared no more than thirty (30) days prior to the application for the permit and attesting that the plans and specifications were prepared in accordance with sound engineering principles, *Uniform Sign Code of the ICBO*, current practices, and state of the art. Free standing signs shall be designed and constructed in accordance with the following specifications.

1. Height and Width Specifications differ according to location.

(a) Within the I-35 Corridor, the height and width of free standing signs is not restricted but will be limited to the need of the individual businesses and the compatibility of that need with the surrounding area. Height and width must be commensurate with each other, *and meet or exceed the wind-load requirements established herein.*

(b) Outside the I-35 Corridor:

(1) Pole Signs: Permitted for businesses with limited visibility and not represented on a Multi-Tenant sign. Maximum height shall not exceed thirty-five (35) feet. Maximum width shall not exceed fifteen (15) feet.

(2) Monument Signs: Monument Signs of *seven (7)* feet or less in height and *seventy (70)* square feet or less in area are permitted for businesses with no other sign.

(3) Multi-Tenant Signs: A group of business establishments may be permitted to erect, construct, or site a sign if they are under a common roof and/or collectively could be identified as a shopping center or shopping mall, multi-unit or multi-story professional building, without which singularly or collectively, their identity to the general public could be considered as nonexistent or insignificant. There shall be a minimum of four (4) separate and distinct business enterprises in the unit to qualify for a Multi-tenant sign. (Ord. No. 58V, 3/8/76)

## BILLBOARDS AND SIGNS

(a) Advertising Space: A maximum of forty-eight inches (48") in height and a maximum of seventy-two inches (72") in width may be allocated to each business entity which elects to be represented on the multi-tenant sign.

(b) General: The overall appearance of a multi-tenant sign shall reflect the motif of the center in which the advertisers are located. (Ord. No. 58V, 3/8/76) The address of the Center will be reflected on the area of sign assigned to the Center or Anchor Business. The sign shall include all addresses assigned to the Center. (Example: 5000-5024)

2. Foundation: The foundation shall be constructed so as to adequately support the structure above it, and the area at the base of the sign shall be landscaped and irrigated.

3. Ground Clearance: Pole signs and Multi-tenant signs shall have a minimum of nine feet (9') clearance between the bottom of the sign and the surrounding ground.

4. Lighting: Exterior or interior lights may be used to illuminate signs.

5. Wind-load: The sign and foundation shall be designed for a wind-load factor of one hundred twenty (120) miles per hour or pounds per square foot as published by the Texas Department of Transportation.

### B. POST CONSTRUCTION CERTIFICATION

Within ten (10) days of installation of a free standing sign, the applicant shall submit to the Building Permit Officer a letter from an engineer and/or architect currently licensed/registered by the State of Texas, wherein he certifies that the sign was built substantially in accordance with the plans and specifications as approved and signed by the Chairman of the Planning and Zoning Commission or his duly authorized representative and the Mayor.

### C. SCHEMATIC ILLUSTRATION.

In accordance with Subchapter 4.302, one (1) copy of a schematic rendering or illustration, made in the form illustrated in Section 4.404.6, shall be submitted with the building permit application for a free standing sign.

**BILLBOARDS AND SIGNS**

**Sec. 4.404-6**

**MULTI-TENANT (GROUP OF BUSINESS  
ESTABLISHMENTS)**

**DRAWING HERE**

## BILLBOARDS AND SIGNS

Subchapt.	4.500	<u>SIGNS AUTHORIZED IN THE "O-1" ZONING DISTRICT</u>
Sec.	4.501	GENERAL PROVISIONS

The provisions outlined herein detail signs which are authorized for use in the "O-1" Zoning District and the limitations upon the size, content, and location for such signs.

Sec.	4.502	INDIVIDUAL PROFESSIONAL SIGNS
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The principal occupants of a professional office may submit a building permit application in accordance with the provisions of this Chapter, Subchapter **4.300**, Sec. **4.302** provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant.

Sec.	4.503	AUTHORIZED SIGNS
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1. One or more signs, each not exceeding sixteen (16) square feet, when the same are permanently attached to a wall and advertise only the name of the occupant and the occupant's profession, may be permitted.

2. Free Standing signs may be authorized.

Subchapt.	4.600	<u>SIGNS AUTHORIZED IN THE "R-2" ZONING DISTRICT</u>
Sec.	4.601	GENERAL PROVISIONS

The provisions outlined herein detail signs which are authorized for use in the "R-2" Zoning District and the limitations upon the size, content, and location for such signs.

Sec.	4.602	INDIVIDUAL ADVERTISING SIGNS
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The principal owner of an "R-2" Zoning District building or premises may submit a building permit application in accordance with the provisions of this Chapter, Subchapter 4.300, Sec. 4.302; provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant.

Sec.	4.603	SIGNS - MULTIPLE FAMILY DWELLINGS
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One (1) sign, not exceeding sixteen (16) square feet, when the same is permanently attached to the wall and advertising the business name of the multiple family dwelling, may be authorized.

## BILLBOARDS AND SIGNS

### Sec. 4.604 SIGNS - SINGLE AND DUAL FAMILY DWELLINGS

One (1) unlighted sign, which is permanently attached to the wall and which shall not exceed one (1) square foot in area, indicating the name of the occupant or occupation of a customary home occupation, may be authorized.

### Subchapt. 4.700 SIGNS AUTHORIZED IN THE "R-1" ZONING DISTRICT

#### Sec. 4.701 GENERAL PROVISIONS

The provisions outlined herein detail signs which are authorized for use in the "R-1" Zoning District and the limitations upon the size, content, and location for such signs.

#### Sec. 4.702 ADVERTISING SIGNS

A permit is not required for the owner of an "R-1" residence to erect on subject property; for sale, for rent, garage sale, or safety sign, of four (4) square feet or less.

#### Sec. 4.703 SINGLE FAMILY RESIDENCE SIGNS

One (1) unlighted sign, not exceeding one (1) square foot, when the same is permanently attached to the wall, indicating the name of the occupant or occupation of ***an authorized*** customary home occupation is authorized without a permit.

#### Sec. 4.704 CHURCH OR SCHOOL SIGNS

A building permit may be issued for a sign, not exceeding thirty-two (32) square feet, when the same is permanently attached to the wall, indicating the name of the church or school. Monument or low profile signs may be authorized.

#### Sec. 4.705 TEMPORARY SIGNS FOR CHURCH AND NON-PROFIT ORGANIZATION FUNCTIONS

Building permits for temporary signs not exceeding four square feet which comply with the requirements of this Chapter shall be issued without charge for church and non-profit organization functions. (Ord. No. 278, 5/5/95)

#### Sec. 4.706 POLITICAL SIGNS

A. Political signs are signs which advocate or support one or more (1) candidates for elective office, or (2) causes, positions, beliefs or views.

B. Political signs may not exceed four (4) square feet in area.

C. The installation or use of political signs must relate to a regularly scheduled election and may not be erected, used or installed more than forty-five (45) days preceding the date of the election to which the political sign pertains and shall be removed not later than forty-eight (48) hours after the close of the polls for the election to which the sign pertains.

## BILLBOARDS AND SIGNS

D. Mobile, portable or vehicular political signs, except bumper stickers, are prohibited.

E. Political signs may be placed at the polling place on the City Hall grounds on election days only between the hours of 6:00 o'clock a.m. and 9:00 o'clock p.m. (except in areas prohibited by state law). Such signs must be free standing.

F. Political signs may be placed on public right-of-way and easements. Such signs shall not be placed on public right-of-ways and easements adjacent to private property unless the express consent of the owner of such private property has been previously obtained. Such signs must be free standing.

G. The owner of private property or anyone authorized by the owner may place signs on privately owned property. Such signs must be free standing. No one may place political signs on private property without the express consent of the owner of the property.

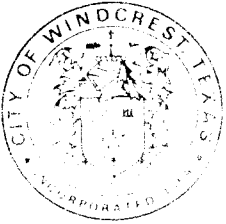
H. Political signs placed or posted in violation of this section are hereby declared to be public nuisances. City employees of the Streets and Parks Departments are hereby directed and required to notify the City Secretary or Chief of Police when violations occur. At the direction of the City Secretary or Chief of Police, such signs will be removed and stored at the City Maintenance Facility. Candidates may claim removed signs any time during the election to which the signs pertain. Political signs in a damaged or unsightly condition, or no longer standing, shall be removed and stored.

### Sec. 4.707 CITY BANNER POLES

Signs on City banner poles are restricted to City sponsored activities. Such signs shall be perforated over at least ten percent of their area to reduce wind resistance. Total area of banner signs will not exceed one hundred and sixty square feet in area, maximum width of forty feet and maximum height of four feet. Banners will have a minimum clearance of sixteen feet above the street. Banner signs will be secured at the top with metal rope and metal clips. Bottom panels may be secured with fiber or nylon rope. (Ord. No. 251, 11/11/91)

### Subchapt. 4.800 REQUESTS FOR WAIVER Sec. 4.801 GENERAL PROVISIONS

A request for any waiver of the requirements set forth in this Chapter shall be made commensurate with the application for a building permit. A waiver shall only be granted by the City Council in certain meritorious cases; provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant and the recommendations of the City Building Inspector and the Planning and Zoning Commission.



# CITY OF WINDCREST

8601 MIDCROWN  
WINDCREST, TEXAS 78239-2598  
CITY HALL 210-655-0022  
POLICE 210-655-2666  
FAX 210-655-8776

November 17, 1998

Dear Metrocom Herald,

Please publish the following Legal Notice for the City of Windcrest in the Wednesday, November 18, 1998 issue and furnish a publisher's affidavit.

"CITY OF WINDCREST  
LEGAL NOTICE

ORDINANCE 331

AN ORDINANCE UPDATING CHAPTER 4,  
BILLBOARDS AND SIGN CODE, OF THE  
CODE OF ORDINANCES OF THE CITY  
OF WINDCREST

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF WINDCREST, TEXAS, that:

Chapter 4 of the Code of Ordinances is amended to  
read as provided in the attached Exhibit "A" and all  
conflicting provisions are hereby repealed.

PASSED AND APPROVED this 16th day of November, 1998.

Joe D. Cochran  
Mayor

ATTEST:

Nancy Cain  
City Secretary"

Sincerely,

*Nancy Cain*  
Nancy Cain  
City Secretary

**8601 Midcrown, Windcrest, TX 78239**

**Administration: (210) 655-0022    Police: (210) 655-2666    Fire: (210) 655-0011**

**FAX: (210) 655-8776**

**FACSIMILE TRANSMITTAL**

FROM: Nancy Lee

DEPARTMENT: Civil Secretary

TO: Mealea

NO. OF PAGES TO FOLLOW: 1

FAX NO. 658-0390

MESSAGE: Please publish as requested.

✓

## **ORDINANCE NO. 627**

### **AN ORDINANCE AMENDING CHAPTER 4, BILLBOARDS AND SIGNS, OF THE CODE OF ORDINANCES BY REPEALING CURRENT SUBCHAPTER 4.800 AND ADOPTING A NEW SUBCHAPTER 4.800 PERTAINING TO POLITICAL, CHURCH AND NON-PROFIT ORGANIZATION SIGNS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 4, Billboards and Signs, is amended by repealing the current subchapter 4.800.

BE IT FURTHERMORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Chapter 4, Billboards and Signs, is amended by adopting a new subchapter 4.800 as follows:

“Subchapt. 4.800      POLITICAL SIGNS AND TEMPORARY SIGNS FOR CHURCH AND NON-PROFIT ORGANIZATION EVENTS

Sec. 4.801              TEMPORARY SIGNS FOR CHURCH AND NON-PROFIT ORGANIZATION EVENTS

Permits for temporary signs not exceeding thirty-two (32) square feet which comply with the requirements of this chapter shall be issued without charge for church and non-profit organization events.

Sec. 4.802              POLITICAL SIGNS DEFINED

Political signs are signs which advocate or support one or more candidates for elective office, or causes, positions, beliefs or views.

Sec. 4.803              MOBILE SIGNS FOR POLITICAL CAMPAIGNS ARE PROHIBITED

Mobile, portable or vehicular political signs, except bumper stickers, are prohibited. Political signs that are transported from one location to another must be covered during transport so the message cannot be seen.

Sec. 4.804              PLACEMENT OF POLITICAL SIGNS AND CHURCH AND NON-PROFIT ORGANIZATION SIGNS ON PUBLIC PROPERTY

Political signs and temporary church and non-profit organization event signs may not be placed on public property owned or controlled by the City of Windcrest, except in the following locations:

- (a) median of Windway;
- (b) medians of Eaglecrest;
- (c) median of Windrock;
- (d) median of Windsor Hill between Fourwinds and Windsor-Cross;
- (e) two (2) small islands in Crestway;
- (f) drainage ditch between Crestwind and Crosswind;
- (g) with the express consent of the adjacent private real property owner, the front yard extension over the public right-of-way between the front property line of private real property and the curb of the street in front of such private real property;
- (h) with the express consent of the adjacent private real property owner, the side yard extension over the public right-of-way between the side property line of corner private real property and the curb of the street on the side of such private real property;
- (i) Takas Park on the grassy area a distance of 10 feet from the curb south of the community center and the two curbed planting islands east of the community center.

Such signs must relate to a scheduled elections or an event held by a church or non-profit organization located within the City of Windcrest and may not be erected, used or installed more than twenty (20) days preceding the commencement of early voting for the election or twenty (20) days preceding the church or non-profit organization event to which the sign pertains and shall be removed no later than forty-eight (48) hours after the conclusion of the election or the event to which the sign pertains. Such signs may not exceed four (4) square feet in area. Such signs may not be illuminated or have any moving elements, or extend over sidewalks or driveways.

#### Sec. 4.805

#### CONSENT OF PRIVATE PROPERTY OWNER REQUIRED FOR PLACEMENT OF POLITICAL SIGNS AND CHURCH AND NON-PROFIT ORGANIZATION SIGNS

Political signs and church or non-profit organization signs may not be located on private real property without the consent of the occupant. Such signs must be free standing. Such signs on private real property may not be larger than thirty six (36) square feet, no higher than eight (8) feet, have no moving elements or be illuminated.

#### Sec 4.806

#### PUBLIC NUISANCE

All political signs and church or non-profit organization event signs placed or posted in violation of this subchapter are hereby declared to be public nuisances. City employees are hereby directed and required to remove and store such signs at the City Maintenance Facility. Political candidates or committees, churches and non-profit organizations may claim removed signs any time prior to the date of the advertised function or election.

Political signs and church or non-profit organization signs in a damaged or unsightly condition, or no longer standing, shall be removed and destroyed.

This ordinance shall take effect five (5) days after publication of its caption.

PASSED and APPROVED this 18<sup>th</sup> day of October, 2010.

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Richard Bruns, Mayor

ATTEST:

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Heather Weidenbach, City Secretary

APPROVED AS TO FORM:

---

Michael S. Brennan, City Attorney

## CHAPTER 4

### BILLBOARDS AND SIGNS

#### SYNOPSIS

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4.100	General Provisions
4.200	Definitions
4.300	General Requirements Pertaining to All Zoning Districts
4.400	Signs Authorized in the "B-1" and "B-2" Zoning Districts
4.500	Signs Authorized in the "O-1" Zoning District
4.600	Signs Authorized in the "R-2" Zoning District
4.700	Signs Authorized in the "R-1" Zoning District
4.800	Political Signs & Temporary Signs for Church & Non-Profit Organization Events
4.900	Requests for Waiver

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Subchapt.	4.100	GENERAL PROVISIONS
Sec.	4.101	PURPOSE

The City recognizes that signs are necessary for visual communication for public convenience, and that businesses and other activities have the right to identify themselves by using signs which are incidental to the use on the premises where the signs are located. The City herein seeks to provide a reasonable balance between the right of a person to identify his or her business or activity, and the right of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location and construction of signs. Signs, other than political signs, must be located on the premises of the business advertised. This section will insure that signs are compatible with adjacent land uses and with the total visual environment of the community, in accordance with the City's comprehensive plan for zoning and land use. (Ord. No. 331, 11/16/98)

Sec. 4.102 PROCEDURES OUTLINE

The procedures outlined herein provide basic guidance for the orderly and effective regulation of signs within the corporate limits of the City of Windcrest, the requirements that must be satisfied before a building permit may be issued for the site, erection, construction, alteration, reconstruction, or enlargement of a sign, the minimum construction specifications for signs, and requirements for maintenance of signs.

Sec. 4.103 TEXAS HIGHWAY BEAUTIFICATION ADOPTED

The provisions of Chapter 391 of the Texas Transportation Code and the rules promulgated by the Highway Beautification Act thereunder in regard to the display of outdoor advertising are hereby adopted. (Ord. No. 101, 331; 7/10/72, 11/16/98)

Sec. 4.104 UNIFORM SIGN CODE ADOPTED

The International Sign Code published by the International Code Congress Inc. is hereby adopted as the Sign Code for the City of Windcrest, Texas. This Sign Code is incorporated herein by reference, and has been filed in the office of the City Secretary of the City of Windcrest for permanent record and inspection. If any provision(s) of the Uniform Sign Code adopted in this Subchapter conflicts with or contravenes any provision(s) of any Chapter of the City Code of Windcrest, Texas or any other City Ordinance, the provision(s) of this Code or City Ordinance shall prevail. (Ord. No. 602, 10/19/09)

Sec. 4.105 REGULATIONS

The City Council of the City of Windcrest hereby

## BILLBOARDS AND SIGNS

agrees to take such action as may be necessary to regulate the orderly and effective display of outdoor advertising within the corporate limits of the City of Windcrest in accordance with the applicable laws of the State of Texas and the United States of America. (Ord. No. 101, 7/10/72)

### Sec. 4.106 PENALTY

Any person who willfully violates any provision of this Chapter or Chapter 391 of the Texas Transportation Code is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in Sec. 1.301 of this Code of Ordinances. Each day of such willful violation shall constitute a separate offense. (Ord. No. 101, 331 418; 7/10/72, 11/16/98, 3/17/03)

### Subchapt. 4.200 DEFINITIONS

1. ALTERATION: Any change, addition or modification in construction or occupancy.

2. CONSTRUCTION: The building of a structure.

3. CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS): A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including LED (light emitting diode) or digital sign, and which varies in intensity or color. A Changeable Electronic Variable Message sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

4. ERECTION: The raising and setting of a sign in an upright position.

5. FIN SIGN: A sign that is supported by a one story building of an open air business or by poles placed in the ground or partly by such pole or poles and partly by a building or structure.

6. FREE STANDING SIGN: A sign supported by one or more columns, poles or bars extended from the ground and which is not significantly supported by a building. The following types of free standing signs are permitted.

A. MONUMENT OR LOW PROFILE SIGNS: A sign attached to the ground by a permanent structure usually of masonry construction.

B. MULTI-TENANT SIGNS: A group of four or more business/professional establishments advertising on a single sign structure. Establishments must be under a common roof and/or could be identified as a shopping center, or shopping mall, multi-tenant or multi-story professional building.

C. POLE SIGNS: A sign wholly supported by a sign structure in the ground.

7. I-35 CORRIDOR: Property adjacent to and within one hundred feet (100') of the eastern boundary of I-35 in the City of Windcrest.

8. RECONSTRUCTION: The rebuilding of a previously existing structure.

9. SIGN: Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes including paint on the surface of a building.

## BILLBOARDS AND SIGNS

10. SIGN STRUCTURE: Any structure that supports or is capable of supporting a sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

11. SITING: The location or position of a sign on a structure or plat.

12. PROJECTING SIGN: Any sign other than a wall sign which projects from and is supported by a wall of a building or structure.

13. TEMPORARY SIGN: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames intended to be displayed for a limited period of time.

14. WALL SIGN: Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Subchapt.	4.300	<u>GENERAL REQUIREMENTS PERTAINING TO ALL ZONING DISTRICTS</u>
Sec.	4.301	BUILDING PERMITS FOR SIGNS

All business or church signs, whether permanent or temporary in nature require a permit. Generally, homeowner signs or political signs do not require a permit.

Sec.	4.302	APPLICATION AND APPROVAL OF BUILDING PERMITS FOR SIGNS
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A. An application for a sign building permit will be completed by the applicant on a form provided by the Building Official. With this application the following will be attached:

(1) Two (2) copies of the plans and specifications. Specification data will be certified by a registered Texas Engineer for all new Pole, Multi-Tenant or signs which protrude significantly from buildings. Landscaping and irrigation shall be included in all Free Standing sign plans.

(2) A drawing to scale, showing all setbacks, easements and structures for siting of all ground mounted signs.

(3) A drawing or photograph showing the siting of the sign on a building.

(4) Evidence of property owner approval of the proposed sign.

(5) A final inspection is required within 10 days after the sign becomes operational. The permit holder will schedule this inspection with the City Permits and Inspection Office.

B. The Building Official will review all sign applications for compliance with applicable codes:

(1) Permit applications for signs that meet all requirements of Chapter 4 of the Windcrest City Code shall be reviewed and approved by the Building Official. (Ord. No. 602 10/19/09)

(2) Signs requiring a waiver of any portion of Chapter 4 of the Windcrest City Code after review by the Building Official shall be forwarded to City Council for review and action. (Ord No. 602 10/19/09)

Sec.	4.303	EASEMENTS OR PUBLIC PROPERTY
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No sign of any type which is considered to be permanent shall be built over easements or on public property without proper written approval of the easement and/or property owner. (Ord. No. 58V, 3/8/76)

## BILLBOARDS AND SIGNS

### Sec. 4.304 DEED RESTRICTIONS

It is not intended that the provisions for signs, contained herein, supersede existing deed restrictions which may prohibit the erection of signs. (Ord. No. 58V, 3/8/76)

### Sec. 4.305 UTILITIES

Utilities (water and electricity) will be installed in areas as required for proper maintenance of landscaping. (Ord. No. 58V, 3/8/76)

### Sec. 4.306 MAINTENANCE

Signs will be maintained in presentable (like new) condition. Responsibility for maintenance of signs and associated landscaping will be vested in the entity having jurisdiction of the premises on which the sign is located. Signs not maintained will be subject to the applicable provisions of Chapter 5, Section 5.1600. (Ord. No. 58V, 3/8/76)

### Sec. 4.307 ILLUMINATED SIGNS

The use of changeable electronic variable message signs is prohibited in the city after May 19, 2008 except in the I-35 Corridor, and only if approved by the City Council. The use of flashing lights, moving lights, animated displays, moving videos or scrolling advertising is prohibited. (Ord. No. 585, 5/01/09)

### Sec. 4.308 TEMPORARY SIGNS IN "B-1" & "B-2" ZONING DISTRICTS

A LEASE OR SALE OF PROPERTY: Permits may be issued, upon application, by the Building Official, for one sign not exceeding thirty-two (32) square feet in area and pertaining to the lease or sale of a building, premises, or lot, and not to exceed nine (9) months after the date of approval of the permit, for temporary use in B-1 and B-2 zoning districts of the City of Windcrest, provided the sign is immediately removed upon the lease or sale of such building, premises or lot. (Ord. No. 343, 2/21/00)

B CONSTRUCTION: Permits may be issued upon application, by the Building Official, for signs relating to significant business construction activities. Such signs shall be limited to thirty-two (32) square feet each in area and limited in subject to (1) the principle contractor for the construction, (2) the architect for the construction, and (3) the future business to be located on the construction site. The number of signs at each construction site shall be limited to one contractor sign, one architect sign and one identification sign for each business to be located on the site. Contractor and Architect signs shall be removed within one (1) week following final inspection approval. Business signs shall be removed upon installation of permanent signs.

C. NEW BUSINESS: A Temporary Sign Permit may be issued for a temporary sign announcing the opening of a newly established commercial activity. This permit is limited to one (1) per newly established commercial activity, and the sign shall be removed on or before the expiration of thirty (30) days after the issuance of the permit. This sign may not exceed thirty-two (32) square feet or a mobile sign of similar size as approved by the Building Official. Signs mounted on or attached to a motor vehicle and advertising a business located nearby are specifically prohibited unless subject vehicle is operational, properly registered, inspected and relocated at least every 24 hours. Should any of the provisions pertaining to temporary signs be violated, in addition to the penalties set out in Subchapter 23.600 of this Code, the City may remove and impound such sign upon three (3) days notice to the violator (and to the owner of the sign if they are different) and hold it for the reasonable storage and removal costs, to be levied against the violator. (Ord. No. 602 10/19/09)

D. SEASONAL SIGNS: Temporary sign permits may be

## BILLBOARDS AND SIGNS

issued for holiday or franchise activities. Generally such permits shall be limited to thirty (30) days per calendar quarter. (Ord. No. 331, 418; 11/16/98, 3/17/03)

E. INFLATABLE DEVICES: Inflatable Devices may be used as seasonal signs as long as the following additional provisions are complied with:

(1) The Inflatable Devices shall be spherical in shape or conforming to a logo, mascot, or product associated with the business, or conforming to recognized United States holidays; (Ord. No. 432, 2/23/04)

(2) An Inflatable Device shall not exceed a height of thirty (30) feet above the building to which it is anchored;

(3) The entity installing and maintaining the Inflatable Device shall provide proof of a minimum of \$300,000.00 liability insurance;

(4) Applications for the use of such Inflatable Devices shall be submitted to the Permits Office for review by the Building Official or City Manager for review and action; and

(5) Each permit approved shall be limited to thirty (30) days. (Ord. No. 343, 418; 2/21/00, 3/17/03)

F. RESTRICTIONS: The height of temporary signs, other than Inflatable Devices, from the ground to the top of sign shall not exceed eight feet (8'). Signs shall not be placed on right-of-ways or in areas that obstruct the view of motorists. Signs placed on corner lots shall not be placed in the triangular area formed by the street curb lines and a line connecting them at points twenty-five feet (25') from the intersection of the curb lines. (Ord. No. 343, 2/21/00)

### Sec. 4.309 CITY GATEWAY SIGNS

A. City Gateway Signs are signs located in any zoning district of the city on property owned by the City of Windcrest within the I-35 Corridor which identify the City of Windcrest and display information sponsored by the City of Windcrest.

B. City Gateway Signs must comply with all regulations for electronic signs adopted by the Texas Department of Transportation. City Gateway Signs may not be placed closer than one thousand five hundred feet (1,500') apart.

C. City Gateway Signs may not exceed eighty feet (80') in height from ground level to the top of the sign and its structure and may not have a display surface in excess of fourteen feet (14') high and forty-eight feet (48') wide.

D. Each City Gateway Sign message shall be displayed for at least eight (8) seconds and a change of message shall be accomplished within two (2) seconds. Each change of message must occur simultaneously on the entire sign face. Each sign must contain a default mechanism that freezes the sign in one position if a malfunction occurs. A City Gateway Sign shall not display light of such intensity or brilliance to cause glare or otherwise impair vision of a driver or result in a nuisance to a driver. City Gateway Sign light intensity exceeding the following intensity levels (nits) constitute "excessive intensity or brilliance":

Color	Day Time	Night Time
Red only	3,500	1,125
Green	6,300	2,250
Amber	4,690	1,675
Full Color	6,500	1,000

A City Gateway Sign applicant shall provide written certification from its sign manufacturer that the light intensity has been factory pre-

## BILLBOARDS AND SIGNS

set not to exceed 6,500 nits and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the City Manager.

E. Any agreement with a City Gateway Sign operator for the installation of a City Gateway Sign shall contain provisions acceptable to the City Council for termination by the City, for indemnifying the city against any claims, liability, damages, injuries, deaths or other liabilities asserted against the city on account of damages approximately caused by the operator, and prohibiting the City Gateway Sign operator from discriminating against advertisements by businesses located within the City of Windcrest as to rates, terms and other conditions of advertising.

F. Subject to the freedom of speech provisions of the United States and Texas Constitutions, any City Gateway Sign operator shall reject advertising that is misleading, offensive, and in particular, the posting of obscene words or pictures.

G. City Gateway Signs shall display without charge messages sponsored by the City of Windcrest which advertise city or city related events or activities for reasonable intervals between the hours of 6:00 a.m. and midnight. The City of Windcrest, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via City Gateway Signs. Upon notification, the sign operators shall display in appropriate sign rotations: Amber Alert emergency information or emergency information regarding terrorist attacks, or natural disasters. Emergency information messages are to remain in rotation according to the designated issuing agencies protocols.

H. If any City Gateway Sign operator is the owner or lessee of a billboard sign within the I- 35 Corridor in the City of Windcrest, one billboard sign for each new City Gateway Sign shall be removed.

I. The City Manager shall be responsible for the negotiation of any agreement for the installation of a City Gateway Sign and shall submit any proposed agreement for final approval to the City Council before issuing a building permit for a City Gateway Sign. Any City Gateway Sign operator shall provide all engineering needed to certify the safety and structural integrity of the sign and shall reimburse the city for the cost of reviewing the engineering report furnished to the city.

J. Any regulatory requirement of this section which is more stringent than a similar regulatory restriction of the state or federal government shall prevail over the regulatory restriction of the state or federal government, and any regulatory restriction in this section which is less stringent than a similar regulatory restriction of the state or federal government shall yield to the state or federal government restriction. (Ord. 585, 05/01/09)

Subchapt.	4.400	SIGNS AUTHORIZED IN THE "B-1" and "B-2" ZONING DISTRICTS
Sec.	4.401	GENERAL PROVISIONS

The provisions outlined herein detail the advertising signs which are authorized for use in the "B-1" and "B-2" Zoning Districts, the limitations upon the size, location, height, lighting, and appearance of authorized signs, and the construction specifications required for such signs.

### Sec. 4.402 INDIVIDUAL BUSINESS SIGNS

Individual business establishments may submit Building Permit Applications in accordance with the provisions of this Chapter, Subchapter 4.400, Sec. 4.402; provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant. (Ord. No. 58V, 03/08/76)

## BILLBOARDS AND SIGNS

### Sec. 4.403 SIGNS ATTACHED TO BUILDINGS

One or more signs, when the same are permanently attached to a building and advertise only identity, services, articles, or products which are offered within the building to which such sign is attached, shall be permitted. (Illustrations of all proposed external advertising signs, drawn to scale as to size and placement, and with reasonable accurate detail, shall be submitted in duplicate with a request for a building permit.) (Ord. No. 58GG, 4/13/81)

### Sec. 4.404 FREE STANDING SIGNS

A. SPECIFICATIONS: Pursuant to this Chapter, Subchapter 4.300, Sec. 4.302, applications for building permits for free standing signs shall be prepared by the applicant with two (2) copies of applicable plans and specifications. Upon the request of the City Inspector, plans and specifications shall be submitted to the Building Permit Officer, prepared by a Texas Registered Engineer, bearing his seal and a signature, prepared no more than thirty (30) days prior to the application for the permit and attesting that the plans and specifications were prepared in accordance with sound engineering principles, Uniform Sign Code of the ICBO, current practices, and state of the art. Free standing signs shall be designed and constructed in accordance with the following specifications.

1. Height and Width Specifications differ according to location

(a) Within the I-35 Corridor, the height and width of free standing signs is not restricted but will be limited to the need of the individual businesses and the compatibility of that need with the surrounding area. Height and width must be commensurate with each other, and meet or exceed the wind-load requirements established herein. (Ord. No. 331, 11/16/98)

(b) Outside the I-35 Corridor:

(1) Pole Signs: Permitted for businesses with limited visibility and not represented on a Multi-Tenant sign. Maximum height shall not exceed thirty-five (35) feet. Maximum width shall not exceed fifteen (15) feet.

(2) Monument Signs: Monument Signs of seven (7) feet or less in height and seventy (70) square feet or less in area are permitted for businesses with no other sign. (Ord. No. 331, 11/16/98)

(3) Multi-Tenant Signs: A group of business establishments may be permitted to erect, construct, or site a sign if they are under a common roof and/or collectively could be identified as a shopping center or shopping mall, multi-unit or multi-story professional building, without which singularly or collectively, their identity to the general public could be considered as non-existent or insignificant. There shall be a minimum of four (4) separate and distinct business enterprises in the unit to qualify for a Multi-tenant sign. (Ord. No. 58V, 3/8/76)

(a) Advertising Space: A maximum of forty-eight inches (48") in height and a maximum of seventy-two inches (72") in width may be allocated to each business entity which elects to be represented on the multi-tenant sign.

(b) General: The overall appearance of a multi-tenant sign shall reflect the motif of the center in which the advertisers are located. (Ord. No. 58V, 3/8/76) The address of the Center will be reflected on the area of sign assigned to the Center or Anchor Business. The sign shall include all addresses assigned to the Center. (Example: 5000-5024)

2. Foundation: The foundation shall be constructed so as to adequately support the structure above it, and the area at the base of the sign shall be landscaped and irrigated.

3. Ground Clearance: Pole signs and

## BILLBOARDS AND SIGNS

Multi-tenant signs shall have a minimum of nine feet (9') clearance between the bottom of the sign and the surrounding ground.

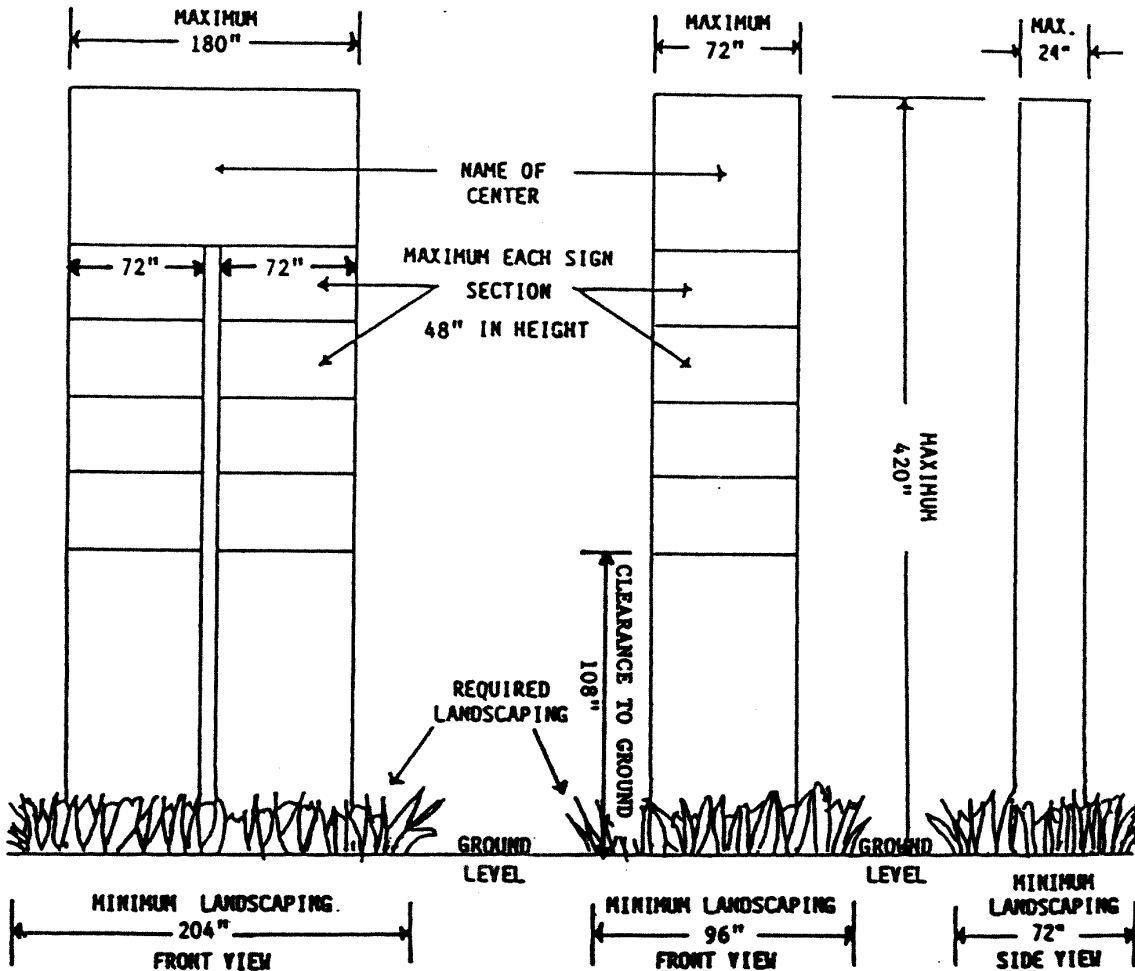
4. Lighting: Exterior or interior lights may be used to illuminate signs.

5. Wind-load: The sign and foundation shall be designed for a wind-load factor of one-hundred twenty (120) miles per hour or pounds per square foot as published by the Texas Department of Transportation.

B. POST CONSTRUCTION CERTIFICATION: Within ten (10) days after the installation of a free standing sign, the applicant shall submit to the Building Permit Officer a letter from an engineer and/or architect currently licensed/registered by the State of Texas, wherein he certifies that the sign was built substantially in accordance with the plans and specifications approved by the City.. (Ord. No. 418, 3/17/03)

C. SCHEMATIC ILLUSTRATION. In accordance with Subchapter 4.302, one (1) copy of a schematic rendering or illustration, made in the form illustrated in Section 4.404-6, shall be submitted with the building permit application for a free standing sign.

### Sec. 4.404-6 MULTI-TENANT (GROUP OF BUSINESS ESTABLISHMENTS)



## BILLBOARDS AND SIGNS

Subchapt.	4.500	SIGNS AUTHORIZED IN THE "O-1" ZONING DISTRICT
Sec.	4.501	GENERAL PROVISIONS

The provisions outlined herein detail signs which are authorized for use in the "O-1" Zoning District and the limitations upon the size, content, and location for such signs.

### Sec. 4.502 INDIVIDUAL PROFESSIONAL SIGNS

The principal occupants of a professional office may submit a building permit application in accordance with the provisions of this Chapter, Subchapter 4.300, Sec. 4.302 provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant.

### Sec. 4.503 AUTHORIZED SIGNS

1. One or more signs, each not exceeding sixteen (16) square feet, when the same are permanently attached to a wall and advertise only the name of the occupant and the occupant's profession, may be permitted.

2. Free Standing signs may be authorized.

Subchapt.	4.600	SIGNS AUTHORIZED IN THE "R-2" ZONING DISTRICT
Sec.	4.601	GENERAL PROVISIONS

The provisions outlined herein detail signs which are authorized for use in the "R-2" Zoning District and the limitations upon the size, content, and location for such signs.

### Sec. 4.602 INDIVIDUAL ADVERTISING SIGNS

The principal owner of an "R-2" Zoning District building or premises may submit a building permit application in accordance with the provisions of this Chapter, Subchapter 4.400, Sec. 4.402; provided, however, all applications shall be considered in the light of the exposure now enjoyed by the premises of the applicant.

### Sec. 4.603 SIGNS - MULTIPLE FAMILY DWELLINGS

One (1) sign, not exceeding sixteen (16) square feet, when the same is permanently attached to the wall and advertising the business name of the multiple family dwelling, may be authorized.

Subchapt.	4.700	SIGNS AUTHORIZED IN THE "R-1" ZONING DISTRICT
Sec.	4.701	GENERAL PROVISIONS

The provisions outlined herein detail signs which are authorized for use in the "R-1" Zoning District and the limitations upon the size, content, and location for such signs.

### Sec. 4.702 ADVERTISING SIGNS

A permit is not required for the owner of an R-1 residence to erect on subject property; for sale, for rent, garage sale, or safety sign, of four (4) square feet or less.

### Sec. 4.703 CHURCH OR SCHOOL SIGNS

A permit may be issued for a sign, not exceeding thirty-two (32) square feet, when the same is permanently attached to the wall, monument or low profile sign indicating the name of the church or school. (Ord. No. 418, 3/17/03)

## BILLBOARDS AND SIGNS

### Sec. 4.704 CITY BANNER POLES

Signs on City banner poles are restricted to City sponsored activities. Such signs shall be perforated over at least ten percent of their area to reduce wind resistance. Total area of banner signs will not exceed one hundred and sixty square feet in area, maximum width of forty feet and maximum height of four feet. Banners will have a minimum clearance of sixteen feet above the street. Banner signs will be secured at the top with metal rope and metal clips. Bottom panels may be secured with fiber or nylon rope. (Ord. No. 251, 11/11/91)

### Subchapt. 4.800 POLITICAL SIGNS AND TEMPORARY SIGNS FOR CHURCH AND NON-PROFIT ORGANIZATION EVENTS

#### Sec. 4.801 TEMPORARY SIGNS FOR CHURCH AND NON-PROFIT ORGANIZATION EVENTS

Permits for temporary signs not exceeding thirty-two (32) square feet which comply with the requirements of this Chapter shall be issued without charge for church and non-profit organization events.

#### Sec. 4.802 POLITICAL SIGNS DEFINED

Political signs are signs which advocate or support one or more candidates for elective office, or causes, positions, beliefs or views.

#### Sec. 4.803 RESERVED (Ord. No. 602 10/19/09)

#### Sec. 4.804 TIME LIMITS FOR TEMPORARY SIGNS FOR CHURCHES AND NON-PROFIT ORGANIZATION EVENTS

Temporary signs for church and non-profit organization events may not be erected, used or installed more than forty-five (45) days preceding the date of the event to which the sign pertains and shall be removed no later than forty-eight (48) hours after the event to which the sign pertains.

#### Sec. 4.805 MOBILE SIGNS FOR CHURCHES AND NON-PROFIT ORGANIZATION EVENTS AND POLITICAL CAMPAIGNS

Mobile, portable or vehicular church, non-profit organization or political signs, except bumper stickers, are prohibited. Political signs that are transported from one location to another must be covered during transport so the message cannot be seen.

#### Sec. 4.806 RESERVED (Ord. No. 602 (10/19/09)

#### Sec. 4.807 PLACEMENT OF POLITICAL SIGNS AND CHURCH AND NON-PROFIT ORGANIZATION SIGNS ON PUBLIC PROPERTY

Political signs and temporary church and non-profit organization event signs may not be placed on public property owned or controlled by the City of Windcrest, except that such signs may be placed in the medians and public rights-of-way included in the following streets:

- (a) Crestway;
- (b) Windway;
- (c) Eaglecrest;
- (d) Midcrown;
- (e) Fourwinds;
- (f) and the public rights-of-way of the streets which intersect the above listed streets for a distance

## BILLBOARDS AND SIGNS

of twenty five (25) feet from the public right-of-way of the streets listed hereinabove.

Such signs must relate to a scheduled election of the City of Windcrest or an event held by a church or non-profit organization located within the City of Windcrest and may not be erected, used or installed more than forty-five (45) days preceding the *commencement of early voting for the election or forty-five (45) days preceding the church or non-profit organization event* to which the sign pertains and shall be removed no later than forty-eight (48) hours after the *conclusion of the election or the event* to which the sign pertains. Such signs may not exceed four (4) square feet in area and may not be placed in the public right-of-way or public easement adjacent to private real property. Such signs may not be illuminated or have any moving elements. (Ord. No. 602, 10/19/09)

### Sec. 4.808 CONSENT OF PRIVATE PROPERTY OWNER REQUIRED FOR PLACEMENT OF POLITICAL SIGNS AND CHURCH AND NON-PROFIT ORGANIZATION SIGNS

Political signs and church and non-profit organization signs may not be located on private real property without the consent of the property owner. Such signs must be free standing. Such signs on private property may not larger than thirty six (36) square feet, no higher than eight (8) feet, have no moving elements or be illuminated. (Ord. No. 602 10/19/09)

### Sec. 4.809 PUBLIC NUISANCE

All political signs and church or non-profit organization event signs placed or posted in violation of this Subchapter are hereby declared to be public nuisances. City employees are hereby directed and required to remove and store such signs at the City Maintenance Facility. Political candidates or committees, churches and non-profit organizations may claim removed signs any time prior to the date of the advertised function or election. Political signs and church or non-profit organization signs in a damaged or unsightly condition, or no longer standing, shall be removed and destroyed. (Ord. No. 432, 2/23/04)

## Subchapt. 4.900 REQUESTS FOR WAIVER

### Sec. 4.901 GENERAL PROVISIONS

A request for any waiver of the requirements set forth in this chapter shall be forwarded to City Council for review and action. (Ord. No. 418, 3/17/03)



# WINDCREST TEXAS

## City Council Agenda Item Report

December 2nd , 2013

Contact – Robert Colunga / Michael McAlear

[rcolunga@windcrest-tx.gov](mailto:rcolunga@windcrest-tx.gov) / [mmcalear@windcrest-tx.gov](mailto:mmcalear@windcrest-tx.gov)

Discuss and Act Item # 1

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**SUBJECT: Deliberation and possible action on a formal request for variance from Ordinance 331, an Ordinance regulating the placement and use of billboards and signs, other than political signs.**

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### **1. BACKGROUND/HISTORY**

Cencor Realty Services is currently in the process of requesting a replat of the property located at Lot 1, Block 114, Windcrest Unit 28 to divide the parcel into three separate lots to accommodate three separate pad users (Attachment A: Exhibit A).

### **2. FINDINGS/CURRENT ACTIVITY**

In order to accommodate the advertisement needs of three future separate pad users, Cencor Realty Services has submitted for Council review a formal request for variance (Attachment A) from Ordinance 331 codified under Subchapter 4.1 of the City's Code of Ordinances. Section 4.101 states, "Signs, other than political signs, must be located on the premises of the business advertised." (Attachment B). Cencor Realty Services has submitted a request under section 4.901 which states, "A request for any waiver of the requirements set forth in this chapter shall be forwarded to City Council for review and action." Council may grant a variance from the Ordinance to allow the placement of three signs along the IH-35 frontage of Lot 1, Block 114, Windcrest Unit 28 and one sign along Fourwinds Dr. prior to the replat.

### **3. FINANCIAL IMPACT -**

No expenditure is required by the City.

### **4. ACTION OPTIONS/RECOMMENDATION**

The Windcrest EDC staff recommends approval of the variance to allow for the proposed resident businesses to market their services in compliance with Section 4.101 of the City's Code of Ordinances which states, "The City recognizes that signs are necessary for visual communication for public convenience, and that businesses and other activities have the right to identify themselves by using signs which are incidental to the use on the premises where the signs are located."



**RESOLUTION NO. 2014-478(R)**

**A RESOLUTION GRANTING A WAIVER OF THE REQUIREMENT IN SECTION 4.101 OF THE CODE OF ORDINANCES TO LOCATE COMMERCIAL SIGNS ONLY ON THE PREMISES OF THE BUSINESS ADVERTISED**

**WHEREAS**, Cencor Realty Services has proposed a subdivision of Lot 1, Block 114, Windcrest UNIT 28, into three separate pad sites, with commercial signs for the three pad sites to be located at intervals along I35 even though the resulting signs will represent business premises upon which the signs are not located; and

**WHEREAS**, the City Council has determined that a waiver of the requirements in Section 4.101 would promote the public interest by encouraging the development of significant businesses in the city in unique locations along the I35 corridor.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Windcrest, Texas, that as authorized in Section 4.901 of the Code of Ordinances, waivers are granted which will authorize the installation of three off-premises commercial signs for three new pad sites resulting from a subdivision of Lot 1, Block 114, Windcrest UNIT 28. The signs shall be located as indicated in the attached Exhibit "B". The waivers granted herein are subject to approval of the replat of Lot 1, Block 114, Windcrest UNIT 28 shown in the attached Exhibit "A", and in the event such replat is not approved, the waivers granted herein shall terminate. The commercial signs authorized herein shall otherwise be subject to the requirements of Chapter 4 of the Code of Ordinances.

**DULY PASSED AND APPROVED**, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 at a regular meeting of the City Council of the City of Windcrest, Texas, which meeting was held in compliance with the Open Meetings Act, Tex. Gov't. Code, §551.001, et. seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS

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Alan Baxter, Mayor

**ATTEST:**

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Kelly Rodriguez, City Secretary

**APPROVED:**

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Michael S. Brennan, City Attorney